IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MICHAEL ANTHONY EL	LIOTT,)	
	Petitioner,)	
V.)	1:06CV398
SELMA TOWNES, et a	1.,)	
	Respondents.)	

JUDGMENT

On May 2, 2006, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636.

Therefore, the Court need not make a <u>de novo</u> review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED AND ADJUDGED that this petition is dismissed without prejudice to petitioner filing a new petition, accompanied by the \$5.00 filing fee, and that finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.

United States District Judge

June 9, 2006